

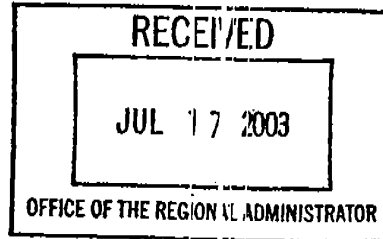


## THE COMMONWEALTH OF MASSACHUSETTS

## EXECUTIVE DEPARTMENT

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MITT ROMNEY  
GOVERNORKERRY HEALEY  
LIEUTENANT GOVERNOR

July 14, 2003

Robert W. Varney, Regional Administrator  
US Environmental Protection Agency, Region 1  
One Congress Street  
Boston, Massachusetts 02114-2023

Dear Mr. Varney:

In 1997, the US Environmental Protection Agency (EPA) promulgated a revised National Ambient Air Quality Standard (NAAQS) for ozone based on an eight-hour averaging time. Section 107(d) of the Clean Air Act gives states an opportunity to make recommendations to EPA concerning the designation of areas as attainment or non-attainment of the NAAQS and the boundaries of non-attainment areas. In your letter of March 20, 2003, you requested that I submit recommendations for the Commonwealth of Massachusetts by July 15, 2003. I am pleased to submit recommendations for Massachusetts' designations and non-attainment area boundaries under the eight-hour ozone standard as an important step in ensuring that our air quality protects the health of our citizens over the long-term.

Unhealthy concentrations of ozone continue to be a concern in Massachusetts and most of the Northeast. The Commonwealth has made significant progress in reducing ozone levels measured under the one-hour ozone standard and we expect to be in full attainment of that standard by 2007. Now, with the implementation of EPA's new eight-hour ozone standard, we must increase our efforts to ensure that we attain the new, more-protective standard as expeditiously as possible.

Massachusetts cannot achieve this goal on its own. Attaining the eight-hour standard will not be possible unless emissions are reduced from all sources that are "upwind" of Massachusetts, including major utilities in the Midwest and along the eastern seaboard. The Commonwealth is committed to working with EPA and other states to ensure that we realize the necessary emission reductions within our own border as well as secure reductions in emissions that are transported to the Northeast. We will continue our active participation in the New England Governors' Conference, the Ozone Transport Commission and the Northeast States for Coordinated Air Use Management (NESCAUM), where regional approaches to complex regional air quality problems can best be formulated.

While air pollution is not confined to state boundaries, under the Clean Air Act programs to attain the NAAQS are implemented on a state-by-state basis. Therefore, I am recommending that our attainment areas under the eight-hour ozone standard coincide with state boundaries.

Within Massachusetts, monitored air quality data for the 2000-2002 three-year period indicate that ozone concentrations exceed the eight-hour ozone standard across the Commonwealth. Therefore, the entire state should be designated as non-attainment. I recommend that the state be divided into two non-attainment areas with boundaries as follows:

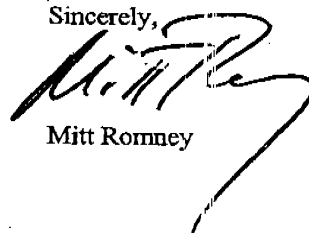
1. A western Massachusetts non-attainment area with boundaries that consist of Berkshire, Franklin, Hampden, and Hampshire counties.
2. An eastern Massachusetts non-attainment area with boundaries that consist of Barnstable, Bristol, Dukes, Essex, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester counties.
3. The portion of the Boston-Worcester-Lawrence CMSA that extends into northeastern Connecticut (the town of Thompson in Windham County, CT) should be part of a greater Connecticut non-attainment area, consistent with Governor Rowland's recommendation.
4. The portion of Bristol County in southeastern Massachusetts (the towns of Attleboro, Fall River, North Attleborough, Rehoboth, Seekonk, Somerset, Swansea and Westport) that is part of the Providence Metropolitan Statistical Area should be included in the eastern Massachusetts non-attainment area.

I am attaching documentation to support these recommendations, including air monitoring data for 2000 through 2002 (Attachment 1) and Massachusetts' rationale for the recommended boundaries (Attachment 2).

I understand that EPA is requesting that states submit 2003 ozone season monitoring data to EPA in early October. I have instructed Department of Environmental Protection staff to submit 2003 data to you in accordance with this request and I reserve the right to update my recommendations based on that data. In accordance with EPA guidance, I will submit any revised recommendations to you no later than February 1, 2004.

This letter and the attachments are also being provided to you in electronic format, as requested. If you have any questions, comments or concerns, please contact the Department of Environmental Protection Commissioner Bob Goffedge at 617-292-5856. Thank you for the opportunity to provide input on this important issue and I look forward to working with you to improve environmental conditions in the Commonwealth of Massachusetts.

Sincerely,



Mitt Romney

Copies by e-mail to:

The Honorable John Baldacci, Governor of Maine  
The Honorable Craig Benson, Governor of New Hampshire  
The Honorable Donald Carcieri, Governor of Rhode Island  
The Honorable James Douglas, Governor of Vermont  
The Honorable John G. Rowland, Governor of Connecticut  
Secretary Douglas Foy, Massachusetts Office of Commonwealth Development  
Secretary Ellen Roy Herzfelder, Massachusetts Executive Office of Environmental Affairs  
Commissioner John Coglianò, Massachusetts Highway Department

Commissioner Robert Gollidge, Massachusetts Department of Environmental Protection  
Dawn R. Gallagher, Maine Department of Environmental Protection  
Elizabeth McLain, Vermont Agency of Natural Resources  
Arthur J. Rocque, Jr., Connecticut Department of Environmental Protection  
Jan H. Reitsma, Rhode Island Department of Environmental Management  
Michael P. Nolin, New Hampshire Department of Environmental Services  
Mike Kenyon, U.S. EPA, Region 1

Letter to Robert W. Varney, July 2003  
Eight-Hour Ozone Standard Recommendation:

Attachment 1

**MASSACHUSETTS EIGHT-HOUR MONITORED OZONE DATA 2000-2002**

In order to develop the Governor's recommendation on Massachusetts' attainment status under the eight-hour National Ambient Air Quality Standard (NAAQS) for ozone, the Department of Environmental Protection (DEP) analyzed data from its ozone air-monitoring network for the three-year period 2000-2002, the years for which EPA has requested the states base their recommendations.

**Data Requirements for the Eight-Hour Ozone Standard**

The eight-hour ozone standard is based on a three-year averaging period. The level of the eight-hour ozone standard is 0.08 parts per million (ppm). A monitor is in violation of the standard if the three-year average of the annual fourth-highest daily maximum eight-hour value is 0.085 ppm or greater.

**Summary of Monitored Data**

Table 1 below summarizes the ozone data collected during the period 2000 through 2002 relative to the eight-hour ozone standard. Fourteen monitors in Massachusetts recorded ambient ozone data for the required three-year period used to determine compliance with the standard. The table indicates that 9 out of these 14 monitoring sites violated the eight-hour ozone standard during the 2000-2002 period.

(over)

Table 1

Monitoring site	EPA AIRS code	Data Capture 2000	Data Capture 2001	Data Capture 2002	Data Capture 2000-2002	Design Value <sup>3</sup> (ppm)	Site Violates Ozone Standard?
<b>Western MA</b>							
Adams	250034002	66% <sup>1</sup>	81%	86%	78% <sup>2</sup>	0.083	N <sup>4</sup>
Agawam	250130003	91%	91%	96%	93%	0.083	N
Amherst	250150 03	99%	96%	98%	98%	0.078	N
Chicopee	250130008	98%	97%	97%	97%	0.092	Y
Ware	250154002	95%	99%	98%	98%	0.088	Y
<b>Eastern MA</b>							
Fairhaven	250051002	95%	84%	95%	91%	0.090	Y
Lawrence	250090005	95%	85%	95%	92%	0.070	N
Long Island	250250041	95%	90%	99%	95%	0.089	Y
Lynn	250092006	96%	97%	97%	97%	0.090	Y
Newbury	250094004	96%	85%	98%	93%	0.086	Y
Roxbury	250250042	99%	99%	91%	96%	0.072	N
Stow	250171 02	86%	98%	89%	91%	0.089	Y
Truro	250010002	98%	99%	95%	97%	0.094	Y
Worcester	250270015	98%	98%	60% <sup>1</sup>	85% <sup>2</sup>	0.085	Y

1. Annual data capture requirement of 75% not met. For data to be considered complete for any year, there must be data capture for at least 75% of the ozone season days (April – September). Because the Adams monitor is located on Mt. Greylock and is often inaccessible in April due to snow, it has not met the data capture requirements. The Worcester monitor also did not meet the data capture requirements due to an equipment malfunction in 2002.

2. Data capture of 90% for three-year period not met. For the three-year averaging period, the requirement is a minimum of 90% data completeness.

3. The eight-hour standard is met if the three-year average of the fourth-highest eight-hour value is less than 0.085 parts per million.

4. Adams Monitor. A monitor does not need to meet the data completeness requirements to be classified “non-attainment” of the standard, but the site must have complete data to be classified in “attainment” of the standard. Because the Adams monitor does not meet the data completeness requirements for 2000-2002, it is not considered to be in attainment even though its three-year average does not violate the eight-hour standard.

**Attachment 2**

**Rationale For Massachusetts' Boundary Recommendations**

**Presumptive Boundaries**

EPA guidance concerning the boundaries for non-attainment areas states that the current one-hour area boundary or the Consolidated Metropolitan Statistical Area/Metropolitan Statistical Area (CMSA/MSA) boundary, whichever is larger, is the presumptive boundary for eight-hour ozone standard non-attainment areas. This guidance is not binding, however, and states may propose areas that are larger or smaller than the presumptive boundary.

**Massachusetts' Recommendations**

**Recommendation 1**

The western Massachusetts non-attainment area should consist of Berkshire, Franklin, Hampden, and Hampshire counties.

**Discussion:** This recommendation is consistent with EPA guidance. It is the current one-hour attainment boundary for western Massachusetts and encompasses the Springfield and Pittsfield MSAs and all non-MSA portions of western Massachusetts. It reflects the regional nature of ozone pollution in the area and will allow the Commonwealth to continue to address ozone in the western part of Massachusetts on a region-wide basis.

**Recommendation 2**

The eastern Massachusetts non-attainment area should consist of Barnstable, Bristol, Dukes, Essex, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester counties. The portions of southern New Hampshire and southern Maine that are part of the Boston-Worcester-Lawrence CMSA should not be included in the eastern Massachusetts non-attainment area.

**Discussion:** This recommendation differs from the presumptive boundary of the larger of the CMSA or the one-hour boundary as follows:

- 1) It excludes the portion of southern New Hampshire that is part of the CMSA and that has been included in the one-hour eastern Massachusetts non-attainment area.
- 2) It excludes portions of southern Maine that are part of the CMSA. (The CMSA was expanded to include portions of southern Maine in 1998.)

**Letter to Robert W. Varney, July 2003**  
**Eight-Hour Ozone Standard Recommendations**

EPA's guidance indicates that the rationale for the presumptive CMSA/MSA boundary is the need to consider controls on sources over a larger area due to the pervasive nature of ozone and the transport of ozone and its precursors. Massachusetts believes that this goal is met if all areas within the CMSA are within a non-attainment area, even if they are not within the same non-attainment area. In this case, as long as the portions of southern New Hampshire and Maine that are part of the CMSA are within a designated non-attainment area they will be subject to emission control requirements commensurate with that designation. As a non-attainment area, Eastern Massachusetts will be required to reduce emissions that contribute to non-attainment in southern New Hampshire and Maine. Massachusetts believes that the following points support the creation of an eastern MA non-attainment area and one or more separate non-attainment areas in New Hampshire and Maine that would include those portions of the CMSA north of the Massachusetts border:

1. Massachusetts is strongly committed to working with other states within New England and the Ozone Transport Region to coordinate air quality policies, plans and program development. This will continue whether its attainment area boundaries are within Massachusetts or encompass a multi-state CMSA.
2. Multi-state State Implementation Plans (SIPs) are more administratively complex and the Clean Air Act and SIPs are designed to be implemented on a state-by-state basis.
3. The meteorology (e.g., southerly winds or coastal sea breezes) that contributes to violations in southern New Hampshire and Maine, often does not cause violations in eastern Massachusetts, especially southeastern Massachusetts.
4. Although commuter traffic from southern New Hampshire and Maine into northeastern Massachusetts contributes to ozone violations in northeastern Massachusetts, the adoption of mobile source control strategies within one or more non-attainment areas in these states will minimize those impacts.
5. Southern New Hampshire and Maine are less dense and less industrialized than eastern Massachusetts. Therefore, control strategies appropriate to these areas of New Hampshire and Maine may differ from those appropriate for eastern Massachusetts.
6. The attainment status of the portions of New Hampshire and Maine within the CMSA should not be tied to ozone readings in southeastern Massachusetts (Truro and Fairhaven), which historically record the highest readings in the eastern Massachusetts non-attainment area. Southeastern Massachusetts does not contribute significantly to ozone violations in these portions of New Hampshire and Maine.
7. Southern New Hampshire and Maine are areas of high growth and a significant source of ozone precursor emissions. Designating one or more non-attainment areas in these states will ensure that they impose measures to reduce emissions locally rather than relying only on emission reductions in metropolitan Boston to address non-attainment north of the Massachusetts border.

For these reasons, Massachusetts believes that creation of an eastern Massachusetts non-attainment area and one or more non-attainment areas that would include those portions of the CMSA that are north of Massachusetts is preferable to adhering to the CMSA boundary for a single multi-state non-attainment area.

**Recommendation 3**

**The portion of the Boston-Worcester-Lawrence CMSA that extends into northeastern Connecticut (e.g. the town of Thompson, CT) should be part of the Greater Connecticut non-attainment area.**

**Discussion:** Consistent with the one-hour area boundary, this moves one town in Connecticut that is included in the Boston-Worcester-Lawrence CMSA from the eastern Massachusetts non-attainment area to a greater Connecticut non-attainment area in order to simplify administrative SIP requirements. The Connecticut town will still be part of a non-attainment area and subject to similar control requirements.

**Recommendation 4**

**The portion of Bristol County in southeastern Massachusetts that is part of the Providence, Rhode Island MSA should be included in the eastern Massachusetts non-attainment area.**

**Discussion:** Consistent with the one-hour area boundary, this moves the portion of Bristol County, MA that is part of the Providence-Fall River-Warwick MSA (the towns of Attleboro, Fall River, North Attleborough, Rehoboth, Seekonk, Somerset, Swansea and Westport) into the eastern Massachusetts non-attainment area. This will simplify administrative SIP requirements. In addition, the large power plants in this part of Bristol County affect the southeastern part of Massachusetts and should be included in the eastern Massachusetts non-attainment area for attainment planning purposes.





JOHN ELIAS BALDACCI  
GOVERNOR

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04333-0001

OEP  
01-0300160

July 15, 2003

Mr. Robert W. Varney  
Regional Administrator  
U.S. Environmental Protection Agency  
One Congress Street  
Boston, Mass. 02114-2023

**RE: Designation of Nonattainment Areas under the 8-Hour Ozone Standard**

Dear Mr. Varney:

I am pleased to submit Maine's proposed attainment/nonattainment area designations under the 8-hr. ozone standard. We have prepared our proposal within the context of Maine's full support of the 8-hr. standard. It is Maine's position that the 8-hr. standard is appropriately protective of public health and the environment. In fact, in 1999, we initiated a legislative effort requiring that the State's ozone health advisories be based on that standard.

As recommended by your agency, we have reviewed the State's 2000 to 2002 monitoring data (including the preliminary 2003 data) and used that data for the foundation of this proposal. We have also analyzed the ten factors suggested in your agency's designation guidance, such as: jurisdictional boundaries; geography/topography; meteorology and pollution transport; population density and population change; degree of urbanization; traffic congestion and commuting patterns; location and magnitude of emission sources; level of control of regional emission sources; and regional emission sources.

A map of Maine's proposed attainment/nonattainment area can be found in our attached technical support document. The proposed nonattainment area can be best described as extending two towns inland along the coast from the NH border to Camden, plus all of the towns in the greater Portland metropolitan area. In addition, we propose to include the majority of islands in Knox, Waldo, and Hancock counties as well as a strip of towns along the coast south of Castine to Schoodic Point. The rest of Maine is proposed to be designated as attainment.



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Mr. Robert Varney  
July 15, 2003  
Page 2

Maine's proposal, to use the best science and analyses to date to define the nonattainment areas, reflects the *uniqueness of Maine's ozone problem*. As the ozone plume travels long distances over the Gulf of Maine, it remains relatively stable. Once the plume is transported to interior areas, its ozone concentrations are significantly degraded. In addition, the analyzed data clearly shows we are impacted by overwhelming transport, as the most significant areas of influence on our monitored non-attainment sites are, in fact, outside state lines.

I have asked James Brooks, director of the Bureau of Air Quality, to be available (207-287-7044) to answer any questions you may have regarding Maine's submission. At this time, I also reserve the right to amend this proposal at the end of the 2003 ozone season, to base our proposal on the most current quality assurance monitoring data available.

Sincerely,

  
John Elias Baldacci  
Governor

Attachment

Cc: Senator Olympia Snowe  
Senator Susan Collins  
Representative Tom Allen  
Representative Michael Michaud  
Mike Kenyon, U.S. EPA Region 1  
Senator John Martin  
Representative Ted Koffman  
Ken Coburn, NESCAUM  
Commissioner Dawn Gallagher, Maine DEP  
James Brooks, Maine DEP